

APPENDIX K

Deposition of Daniel McMaster - 8/17/2018
League of Women Voters of Michigan, et al. v. Ruth Johnson, Secretary of the State of Michigan

<p style="text-align: right;">Page 218</p> <p>1 Q. Since you finished your redistricting work</p> <p>2 in 2011, have you looked at any alternate</p> <p>3 maps of Michigan's districts?</p> <p>4 A. No. What do you mean "alternate maps"?</p> <p>5 Q. Created by third-parties?</p> <p>6 A. No, no.</p> <p>7 Q. I'm just going to close by asking you some</p> <p>8 questions about your preparation for your</p> <p>9 deposition.</p> <p>10 What did you do to prepare for this</p> <p>11 deposition once you got notice of it?</p> <p>12 A. Checked my emails, but obviously all that</p> <p>13 stuff is gone out of my Yahoo account. I</p> <p>14 had no paper materials or anything other</p> <p>15 than the Apol standards I'm going to get</p> <p>16 you.</p> <p>17 Q. Just to clarify, I meant for this testimony</p> <p>18 today.</p> <p>19 A. Right, I'm getting there.</p> <p>20 Q. Okay.</p> <p>21 A. And then I met with legal counsel here.</p> <p>22 Q. Who did you meet with?</p> <p>23 A. Gary Gordon, Peter Ellsworth and Hassan.</p> <p>24 Q. When was that?</p> <p>25 A. What's today, Friday? Last Wednesday,</p>	<p style="text-align: right;">Page 220</p> <p>1 Terri Marquardt because he would be in a</p> <p>2 similar situation, and he said, don't know,</p> <p>3 don't know, don't know, just sit tight. I</p> <p>4 called Suzanne Miller Allen, said, hey, I</p> <p>5 got this letter, did you get this letter,</p> <p>6 what do I do? She said, I don't -- just sit</p> <p>7 tight and wait.</p> <p>8 And I may have had a conversation</p> <p>9 with -- did call House legal counsel who</p> <p>10 helped me out -- Hassan. Who was before you</p> <p>11 that's a judge now?</p> <p>12 MR. BEYDOUN: Brock Swartzle,</p> <p>13 S-W-A-R-T-Z-L-E.</p> <p>14 THE WITNESS: And that was like</p> <p>15 talking to a wall, so I just sat tight.</p> <p>16 BY MR. GIFFIN:</p> <p>17 Q. Did you talk to anybody else besides those</p> <p>18 three people?</p> <p>19 A. I don't -- I don't remember. I dont</p> <p>20 remember if I emailed anyone else or called</p> <p>21 anyone to say (indicating).</p> <p>22 Q. What do you mean by "sit tight"?</p> <p>23 A. Stop calling people, don't worry about it.</p> <p>24 I had all these questions. Who's</p> <p>25 representing us? Who's legal counsel? And</p>
<p style="text-align: right;">Page 219</p> <p>1 Thursday.</p> <p>2 Q. How long did you meet?</p> <p>3 A. Maybe an hour, maybe two.</p> <p>4 Q. In that meeting, did you review documents?</p> <p>5 A. No.</p> <p>6 Q. You didn't review documents?</p> <p>7 A. No. I don't -- I don't remember.</p> <p>8 Q. Since that meeting, have you reviewed any</p> <p>9 documents on your own?</p> <p>10 A. No. I probably should have, so I was a</p> <p>11 little more with it on the seats, but no. I</p> <p>12 don't even -- other than the map, I don't</p> <p>13 have anything to review.</p> <p>14 Q. Going back in time a little bit, did you</p> <p>15 receive a letter from Mark Brewer in January</p> <p>16 2017?</p> <p>17 A. Yes. Or -- yes. Yes, I did receive one,</p> <p>18 yes.</p> <p>19 Q. Do you remember the contents of that letter?</p> <p>20 A. It was just saying that he was filing suit</p> <p>21 and to preserve anything, don't get rid of</p> <p>22 anything.</p> <p>23 Q. Did you confer with anybody about this</p> <p>24 letter after you got it?</p> <p>25 A. Yeah, I got the letter and I called</p>	<p style="text-align: right;">Page 221</p> <p>1 it was just, this stuff is going to take a</p> <p>2 while, just --</p> <p>3 Q. Did you have any questions about what the</p> <p>4 letter asked you to do?</p> <p>5 A. No.</p> <p>6 Q. Did you take any steps to preserve documents</p> <p>7 after you got the letter?</p> <p>8 A. I didn't have any.</p> <p>9 Q. Did you check your Yahoo account when you</p> <p>10 got the letter?</p> <p>11 A. I did.</p> <p>12 Q. Were you able to access --</p> <p>13 A. None of the stuff you've shown me was in</p> <p>14 there.</p> <p>15 Q. Were you able to access your Yahoo account?</p> <p>16 A. Yeah.</p> <p>17 Q. Is it currently active?</p> <p>18 A. It's been a while since I've been in there.</p> <p>19 I'm assuming it is. You know, it's so</p> <p>20 polluted and full of junk mail, it's not --</p> <p>21 Q. Are there any materials relating to</p> <p>22 redistricting in your Yahoo account?</p> <p>23 A. Not that I'm aware of.</p> <p>24 Q. Were there at some point?</p> <p>25 A. Clearly there was, but I don't save all my</p>

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1 emails. This is seven years ago, eight
2 years ago, seven years ago.
3 Q. Did you delete any emails?
4 A. Since I got that letter from him
5 (indicating)?
6 Q. Before that, did you delete any emails?
7 A. Clearly I did after redistricting.
8 Q. Do you remember deleting the emails?
9 A. I don't know. This is like seven, eight
10 years ago.
11 Q. Why did you delete them? Do you have any
12 memory of that?
13 A. What would I need them for? Why would I
14 need 20,000 emails? I mean, I just don't
15 keep all my emails.
16 Q. Did you make an effort to delete emails
17 relating to redistricting?
18 A. It was probably done when I went through and
19 purged stuff from past election cycles and
20 everything else.
21 Q. Do you have any other email accounts?
22 A. Right now?
23 Q. Well, let's start in 2011, apart from the
24 State email and the Yahoo email, did you
25 have any other email accounts?

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1 A. During -- during redistricting?
2 Q. Let's say during the period when you were
3 working on redistricting, yes.
4 A. I don't believe so. There may have been a
5 State party email account, but I didn't have
6 access to it, because I was no longer a
7 State party employee, HRCC employee.
8 Q. We talked about this a little bit, but did
9 you make a conscious decision to use your
10 Yahoo account rather than your State
11 account?
12 A. No, but my Yahoo one would have went to my
13 phone at the time, so that was part of it.
14 I didn't have my State email address hooked
15 up to my phone.
16 Q. What was your phone at the time?
17 A. It was a Blackberry, I don't know.
18 Q. Did you send any text messages during the
19 period when you were working on the
20 redistricting plan related to that work?
21 A. As in, "Brian are you going to meet me at
22 the office," or as in -- you know, I don't
23 know, and that was -- and I don't have -- I
24 don't have access to those. I mean, that
25 was so many phones ago.

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1 Q. How often do you purge your email account?
2 A. Every six months, maybe, every year.
3 Q. Do you regularly purge it?
4 A. Yeah, to keep it -- yeah.
5 Q. Is there any kind of pattern you follow when
6 you do that?
7 A. Some of it, I will -- I will search for any
8 emails that say like MIRS. So, then I'll
9 delete all my MIRS newsletters gone, or I'll
10 do Gongwer, G-O-N-G-W-E-R, or --
11 Q. Is that also a news service?
12 A. What?
13 Q. That's a news service also?
14 A. Yeah, yeah, same as MIRS. Or IMP
15 Bill Ballenger, and I'll get rid of all that
16 stuff, and all the stupid, send me money,
17 help, I need help on my election crap, and
18 then that cuts it down, and then I'll go
19 through, and I'll be like, okay, this was --
20 I'm done with this project, gone, I'm done
21 with this election, gone.
22 Q. Did you ever search for search terms related
23 to redistricting during a purge?
24 A. Not during a purge. When I got the letter,
25 I checked.

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1 Q. Right.
2 A. Not after redistricting, no. All I do is go
3 back to the last like 9 months, 12 months,
4 and look through those emails.
5 Q. Did you take any affirmative steps once you
6 received the letter in January 2017 to
7 preserve documents?
8 A. I didn't have anything to preserve.
9 Q. I think you said you checked your Yahoo
10 account; is that right?
11 A. Yeah.
12 Q. Did you check hardcopy files?
13 A. Hardcopy files on what?
14 Q. Redistricting.
15 A. This is like five laptops ago. I use -- I
16 use Chromebooks. They're 150 bucks, I go
17 through them once a year, so I --
18 Q. I mean, did you have any paper documents?
19 Did you search to see if you had any paper
20 documents?
21 A. On the computer or, like, around the house?
22 Other than that folder that's Apol
23 standards, that's all I have.
24 Q. Did you search to see if you had any?
25 A. Searched, but I've moved like several